

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-11803-MLW

SHENIA DANCY-STEWART as
Administratrix of the Estate of EVELINE
BARROS-CEPEDA,
Plaintiffs,

v.

THOMAS TAYLOR, Jr., and the CITY
OF BOSTON,
Defendants.

**DEFENDANTS CITY OF BOSTON'S AND THOMAS TAYLOR'S EMERGENCY
MOTION FOR CONTEMPT AGAINST NONPARTY WITNESSES FOR FAILURE TO
OBEY DEPOSITION SUBPOENAS AND THIS COURT'S ORDER COMPELLING
THEIR DEPOSITION ATTENDANCE pursuant to fed. R. civ. P. 45(f)**

Defendants, City of Boston and Thomas Taylor, Jr. ("Defendants"), move, pursuant to Fed. R. Civ. P. 45(f), this Honorable Court to hold in contempt several nonparty witnesses, Maria DaRosa and Carlos Fernandes who failed to appear at their scheduled depositions despite service of their deposition subpoenas and this Court's December 27, 2007 Order compelling their deposition attendance.

In further support of said motion, the Defendants attach the accompanying Memorandum of Law.

WHEREFORE: The Defendants City of Boston and Thomas Taylor, Jr. respectfully requests that this Honorable Court allow their motion.

Respectfully submitted,
DEFENDANTS, THOMAS TAYLOR, JR.
AND CITY OF BOSTON,

By their attorneys:

/s/ Helen G. Litsas

Helen G. Litsas #644848
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Room 615, City Hall
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CERTIFICATE OF SERVICE

I, Helen G. Litsas, hereby certify that on this date I served a copy of the foregoing documents upon lead plaintiff's counsel, Andrew Stockwell-Alpert, by electronic filing, email, facsimile and by postage prepaid, first class, U.S. Mail.

1/31/08 /s/ Helen G. Litsas

Date Helen G. Litsas

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Pursuant to L.R. D. Mass. 7.1(A)(2), I hereby certify that I communicated with Plaintiff's Attorney, Andrew Stockwell-Alpert, regarding *Defendants Thomas Taylor and City of Boston's Motion For Contempt*, and we were unable to narrow the issues.

1/31/08 /s/ Helen G. Litsas

Date Helen G. Litsas

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THEIR DEPOSITION ATTENDANCE pursuant to fed. R. civ. P. 45(f)**

Defendants, City of Boston and Thomas Taylor, Jr. ("Defendants"), move, pursuant to Fed. R. Civ. P. 45(f), this Honorable Court to hold in contempt nonparty witness, Trevo Carter, who failed to appear for the continuance of his scheduled deposition despite service of his deposition subpoenas and this Court's December 27, 2007 Order compelling his deposition attendance.

In further support of said motion, the Defendants attach the accompanying Memorandum of Law.

WHEREFORE: The Defendants City of Boston and Thomas Taylor, Jr. respectfully requests that this Honorable Court allow their motion.

Respectfully submitted,
DEFENDANTS, THOMAS TAYLOR, JR.
AND CITY OF BOSTON,

By their attorneys:

/s/ Helen G. Litsas

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CERTIFICATE OF SERVICE

I, Helen G. Litsas, hereby certify that on this date I served a copy of the foregoing documents upon lead plaintiff's counsel, Andrew Stockwell-Alpert, by electronic filing, email, facsimile and by postage prepaid, first class, U.S. Mail.

2/22/08 /s/ Helen G. Litsas

Date Helen G. Litsas

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Pursuant to L.R. D. Mass. 7.1(A)(2), I hereby certify that I communicated with Plaintiff's Attorney, Andrew Stockwell-Alpert, regarding *Defendants Thomas Taylor and City of Boston's Motion For Contempt*, and he indicated that he would not oppose this motion.

2/22/08 /s/ Helen G. Litsas

Date Helen G. Litsas